

Women with disabilities in Japan

Midori HIRANO
DPI Japan
DPI Women's Network Japan

Women with disabilities are discriminated due to the combination of disabilities and the gender gap. With this recognition, Convention on the Rights of Persons with Disabilities (CRPD) included the provisions on Women with Disabilities in Article 6.

Therefore, we made a proposal to the Committee for Disability Policy Reform (CDPR) in Japan with regards to revising the Basic Law for Persons with Disabilities. Influenced by our approach, the Second Opinion to Disability Policy Reform subsequently included the need of measures for women with disabilities. We felt so encouraged by this. However, unfortunately, the revised version of Basic Law for Persons with Disabilities did not realize any descriptions on women with disabilities as found in the Second Opinion. Through this experience, we confirmed the stronger need to determine the current status of the multiple discrimination which women with disabilities face and to position it explicitly in laws and regulations.

In this effort we conducted a survey on Living Difficulties of Women with Disabilities from April to November in 2011. The purpose of the survey was to disclose a large number of difficulties that women with disabilities experience and they obviously need to be legally remedied.

Along with questionnaires and interviews with women with disabilities, a survey on the Domestic Violence Prevention Program and the Basic Plan for Gender Equality was conducted based on the annual reports and the plans posted on 47 prefectures' official websites. The responses of 87 surveyed individuals across the country were categorized into types of issues and analyzed. The results were issued as "Living Difficulties of Women with Disabilities – A Report on Current Status of Multiple Discrimination" (March 2012).

1) Sexual abuse

Sexual abuse is a serious and awful issue that women with disabilities go through and it must be resolved. That is why we herein address sexual abuse first.

The dominant response in the survey was sexual abuse: as many as 35% responded that they have experienced sexual abuse in their lifetime. The responses indicate that the offenders were their bosses at work, teachers or staffs at school, service providers at welfare facilities or healthcare settings, caregivers and family members at home. Victims need to stay and cannot easily leave these types of settings. Furthermore it was common among the reported incidents for the offenders to be in an advantageous position, which is highly likely to discourage victims to make any effort in reporting abusive incidents although they may fall under crime.

Some offenders may take advantage of characteristics of disabled women such as those who are unable to escape, to counter sexual abuse, or, because of their intellectual disabilities, are unable to have their testimony accepted or to identify offenders by voice or physical appearance. Difficulties in achieving financial independence may also hinder women with disabilities to

escape from abusive situations and their vulnerability makes them difficult to report.

2) Caregiving/Assistance

Relating to sexual abuse is caregiving and assistance, which is another problem for women with disabilities. Our survey discloses that opposite sex caregiving has a relatively high level of problems, both in its seriousness and quantitative aspects.

Caregiving by same-sex does not mean that the problems will be eliminated just by providing female caregivers should always be provided to females and male caregivers to males. Yet, it does mean they should be assisted by someone whom women with disabilities feel most comfortable with. A lot of women with disabilities request to be assisted by female caregivers.

The possible reasons are: caregiving frequently involves physical contact and those who receive caregiving that involves such contact are at high risk of sexual abuse. It is true that females are more likely to be sexually abused by males. Women with disabilities assisted by male caregivers are more uncomfortable and at a higher risk of sexual abuse than men with disabilities assisted by female caregivers. Women's bodies are often seen as sexual objects or valued as commercial products. Considering these characteristics of women, it explains why it is such a threat and pain for women with disabilities to receive assistance that involve physical contact from men.

On the other hand, some men with disabilities request to be assisted by male caregivers. Some of them claim that they are uncomfortable with female caregivers who act like a mother, and that may well be understood.

Among other types of occupations, there is a significant difference in the ratio of men versus female caregivers. Research indicates that 80.6% of caregivers are female and 90.8% of home-visit caregivers are female (*A Survey of Care Workers. 2007. Care Work Foundation.*). The number of male caregivers at hospitals and other facilities are, however, on the increase. Although women with disabilities request to be assisted by female caregivers at some facilities daily activities such as excretion care and bathing are conducted with male staff assistance according to the workplace rules. This may be because hospitals and other facilities prioritize the job assignments of caregivers and labor management over the request of those who receive the services.

Issues with opposite sex caregivers are sometimes compared with medical services. The argument is that in the light of protecting individuals' lives and health, there is a social consensus in favor of opposite sex medical professionals administering medical exams and surgeries. Unlike medical practice, however, caregiving is intended to assist persons with disabilities in daily living.

3) Reproductive Health and Rights

Among the responses in our survey, there were of those who were forced to undergo eugenic sterilization under the Eugenic Protection Law. There were other responses from those who were recommended hysterectomy in order to be free of assistance during menstruation. Although it has been argued about possible cases of hysterectomy performed, official investigation has not been held. Thus, it holds great significance for this to be reported as their own experiences.

To further supplement details, sterilization has been performed without consent of the

referred person under the Eugenic Protection Law which became effective in 1948 and was revised as the Maternity Protection Law in 1996. The law was made to “prevent the birth of inferior offspring”. “Inferior offspring” meaning the disabled persons and sterilization has been performed to those with genetic disabilities as well as to those with likelihood of having disabled children. Sterilization is a surgery to disable reproductive functions. Based on the provisions in Articles 4 and 12 of “the Eugenic Protection Law”, upon a medical doctor’s application, sterilization may be performed without consent of the referenced person. Consequently, 70% of the operated individuals without their consent turn out to be women.

In respect to this practice, during the 64th General Assembly of the UN Commission of Human Rights in 1998, the Final Review of the Commission of Human Rights was issued as a recommendation to the Japanese government stating that “the Commission recognizes the need to abolish enforced sterilization, regrets that the current laws do not contain provisions for the rights to compensation for those women subjected to such procedure, and recommends the government to take necessary legal measures.” However, provisions to “the rights to compensations” as recommended as above have not been prescribed since.

4) Work and Income

Our survey reveals that there are many women with disabilities who wish to work but are not understood by others. Our social norm is founded on a traditional gender role to have “men earn money for a living and feed women who engage in housekeeping” . Because of this gender role, unmarried women who are not supported by their husbands are likely to be exposed to financial difficulties. Quite a few women with disabilities, since their childhood, have made a determination to one day get a job and live independently because they thought that they might not get married due to their disabilities. Regardless of their determination, the types of jobs women with disabilities can obtain tend to be low wage or unstable because they are women. Given the uncertain work situation of women with disabilities, they are likely to encounter workplace harassment.

Issues pertaining to a gender role society have been seen in other areas such as a gender gap in compensation payments for accidents that cause disabilities. That is because the amount of the compensation for loss of earnings is calculated by the average wage of men and women of the society at time.

Among different studies National Institute of Population and Social Security Research conducted the Living Standards Survey of People with Disabilities (Principal Yukiko Katsumata) at Inagi City, Tokyo and at Fuji City, Shizuoka from 2005 to 2006. The survey further focuses on disparities of work and income between women with disabilities and other populations.

The key findings were: employment rates are 90% of men without disabilities, over 60% of women without disabilities, over 40% of men with disabilities and less than 30% of women with disabilities. The average of single household annual income including pensions and allowances is 4 million yen for men without disabilities, 2.7 million yen for women without disabilities, 1.81 million yen for men with disabilities and 920,000 yen for women with disabilities. Additionally, data on labor income excluding pensions and allowances finds that 50% of women with disabilities receive less than 500,000 yen and 70% less than 990,000 yen. Even with pensions, income level would still be too low to live independently. (Poverty of

Women with Disabilities. *DPI - A Voice of Our Own. Vol. 24-3.*) Low living standards makes women with disabilities vulnerable and that makes them victims to sexual abuse.

5) The measures for women lacking responsiveness to women with disabilities

Above-mentioned from 1) to 4) are the cases of multiple discriminations women with disabilities face. Our survey evaluated whether or not the policies of the national and local governments are sufficiently responsive.

Under the Basic Law for a Gender-Equal Society, the national government issued the third basic plan for gender equality (December, 2010) to address issues of individuals with multiple challenges including women with disabilities and expressed the need for solutions. The Domestic Violence Prevention Act (Act on the Prevention of Spousal Violence and the Protection of Victims), which became effective in 2001, was revised in 2004 to additionally incorporate basic policies including accommodations for victims with disabilities. Despite such government plan, practical measures are scarcely present.

Some gender equality measures of local governments refer to women with disabilities, but they are focused on training such as Daily Home Living Training for Blind Women that merely provides practical daily living skills within household settings. We are in doubt as to whether such measures are aligned with the goal of a gender-equal society that is to cultivate “a society which is responsible for both men and women to participate in every sectors.” (the Basic Law for a Gender-Equal Society).”

In response to the third basic plan of the national government, some of the plans revised and issued during the past year suggest the need to respond to individuals with multiple challenges including women with disabilities. Nevertheless, currently no measure was found with a plan to address issues regarding being both women and disabled, and how poorly women (men) with disabilities are supported in measures for persons with disabilities. At the present time, national government is preparing the fourth basic plan for people with disabilities and we are now strongly appealing the need of concrete measures to solve multiple discrimination for women with disabilities.

In the measures for domestic violence prevention, although victims with disabilities are assumed to exist, there are no data to show their current status, and out of 47 prefectures, as little as 4 maintain records on counseling and temporary custody for individuals with disabilities. Overall, individuals with disabilities have not been provided the necessary information and many of them may have no access even to counseling after encountering domestic violence. In fact, DV counseling is mainly conducted by phone or face-to-face counseling. 19 prefectures’ plans include descriptions on sign-language interpretations during face-to-face counseling and 2 include descriptions on transcription services.

Additionally, our survey uncovered the fact that many prefectures are considering to use social welfare facilities or day habilitation centers for the temporary custody of disabled and elderly individuals which lack the same quality of security systems as those of DV shelters. Therefore, protection facilities including DV shelters are behind in removing both physical and informative barriers.

In regard to the Persons with Disabilities Abuse Prevention Act which became effective in October 2012, the definition of abuse is unfortunately too narrow to respond to the wide range

of violence women with disabilities are encountering.

Many of the difficulties women with disabilities face have not been socially recognized or have been neglected. Women with disabilities have been dealing with the issues on their own so far, but it is necessary to highlight our issues so that the society as a whole will be aware of us and take necessary action.